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7 Attorneys for Defendant

8 **UNITED STATES DISTRICT COURT,**

9 **NORTHERN DISTRICT OF CALIFORNIA**

10
11 SHERYL A. SMITH,

CASE NO. 4:11-CV-01295 SBA

12 Plaintiff,

13 **STIPULATION AND PROPOSED ORDER**
SETTLING ATTORNEY'S FEES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT (28 U.S.C. § 2412(d))
AND COSTS (28 U.S.C. § 1920)

14 vs.

15 MICHAEL J. ASTRUE,
Commissioner of Social Security,

16 Defendant.

17
18 IT IS HEREBY STIPULATED by and between the parties through their undersigned
19 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the
20 Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of ONE THOUSAND
21 EIGHT HUNDRED DOLLARS (\$1,800.00) and costs in the amount of FOUR HUNDRED
22 DOLLARS (\$400.00). This amount represents compensation for all legal services rendered on
23 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
24 §§ 1920 and 2412(d).

25 After the Court issues an order for EAJA fees, expenses and costs to Plaintiff, the
26 government will consider the matter of Plaintiff's assignment of EAJA fees and expenses and
27 costs to Plaintiff's attorney. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), the ability to
28 honor the assignment will depend on whether the fees, expenses and costs are subject to any

1 offset allowed under the United States Department of the Treasury's Offset Program. After the
2 order for EAJA fees, expenses and costs is entered, the government will determine whether they
3 are subject to any offset.

4 Fees, expenses and costs shall be made payable to Plaintiff, but if the Department of the
5 Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause
6 the payment of fees, expenses and costs to be made directly to Dolly M. Trompeter, Esq.,
7 pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to
8 Plaintiff's counsel.

9 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA
10 attorney fees, expenses and costs, and does not constitute an admission of liability on the part of
11 Defendant under the EAJA. Payment of the agreed amount shall constitute a complete release
12 from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel may have relating to
13 EAJA attorney fees and expenses and costs in connection with this action.

14 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
15 Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.
16

17 Respectfully submitted,

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19 Dated: May 14, 2012

/s/Dolly M. Trompeter
DOLLY M. TROMPETER,
Attorney for Plaintiff
[as authorized by email]

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1 Dated: May 14, 2012

MELINDA L. HAAG
United States Attorney
DONNA L. CALVERT
Acting Regional Chief Counsel, Region IX
Social Security Administration

4 By: /s/ Theophous H. Reagans
5 THEOPHOUS H. REAGANS
6 Special Assistant U.S. Attorney

7 Attorneys for Defendant

10 **ORDER**

11 APPROVED AND SO ORDERED:

14 DATED: 11/20/12

15 
16 SAUNDRA BROWN ARMSTRONG
17 UNITED STATES DISTRICT COURT JUDGE